REMARKS

Claims 3 to 12 are pending in this application. Claims 1 and 2 have been canceled without prejudice. Claims 3 - 12 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Hutchison, IV et al. (US Patent 6,449,476) in view of Hoffman (US Patent 6,622,017) and further in view of Larner et al. (US Patent 6,104,638). By this Response, applicant respectfully traverses the above rejection and requests reconsideration of the subject application in view of the following remarks.

In paragraph 2 of the Office Action, claims 3 - 12 have been rejected under §103(a) over Hutchison, in view of Hoffman and further in view of Larner. This rejection is respectfully traversed.

Independent claims 3, 8 and 9 each require loading a bug fix patch into a volatile memory and copying the bug fix patch into the same volatile memory to create a backup patch, which is to be stored in the read only memory or to be used to substitute a portion of the main program stored in the read only memory.

The Office Action acknowledges that "the combination of the teaching of Hutchison and Hoffman fails to teach means for copying the software features into the volatile memory to create a backup patch to be stored in the read only memory" (Office Action at p. 3). To cure the deficiencies of Hutchison and Hoffman, the Office Action cites Larner.

Applicant respectfully submits that the Office Action fails to establish a *prima facie* obviousness case. Even if the Larner is combined with Hutchison and Hoffman as suggested in the Office Action, the combination still does not teach the above claim features as required in independent claims 3, 8 and 9. As is stated in the Office Action, the cited portions of Larner merely disclose copying parameters stored in RAM to the non-volatile memory. There is no teaching in Larner that a backup of the parameters is made, much less is saved in RAM. Therefore, Larner teaches no more than what is in the combination of Hutchison and Hoffman. In addition, the cited portion of Larner

teach copying the parameters to a non-volatile memory, rather than the read only memory where the main program is stored. Therefore, Larner does not teach copying the bug fix patch into the volatile memory to create a backup patch to be stored in the read only memory as required in independent claims 3, 8 and 9

Moreover, the Office Action does not even establish that Larner discloses creating a backup of the bug fix patch in the same volatile memory to be stored in the read only memory as required in independent claims 1, 8, and 9. When citing Larner, the Office Action states that:

> Larner teaches a method of using erasable non-volatile memory for storage of changing information by replacing or overwriting the old or corrupted data in segments of a non-volatile memory by copy of parameters stored in RAM (see figs. 1-2; col. 1, lines 46-64; col. 2, lines 16-30; col. 3 line 66 to col. 4, line 12). (Office Action at p. 3.)

The above characterization of Larner does not remedy the deficiencies of Hutchison and Hoffman, as they are acknowledged in the Office Action. For example, the above characterization of Larner merely states that Larner copies parameters stored in RAM to replace corrupted data in the non-volatile memory. Even if Larner's parameters can be considered as a "bug fix patch," the Office Action still does not show that Larner's parameters are copied into the same volatile memory where the bug fix patch is loaded into so as to create a backup patch, as required in the claimed invention. Additionally, in the above characterization of Larner, the parameters replace corrupted data in the non-volatile memory that stores changing information. In contrast, the backup patch in the claimed invention is to be stored in the read only memory that stores the main program. Therefore, the Office Action does not show that the parameters in Larner are to be stored in the same read only memory that also stores the main program, as required by the claimed invention. Accordingly, the Office Action fails to establish that Larner remedies the deficiencies of Hutchison and Hoffman.

In view of the above, independent claims 3, 8, and 9 each patentably distinguish over the cited references. Accordingly, withdrawal of the rejection is respectfully requested.

Applicant has shown that claims 3 to 12 are patentable over the cited art and hereby respectfully request that the rejection of the pending claims be withdrawn. Each of the pending claims 3 to 12 in this application is believed to be in immediate condition for allowance and such action is earnestly solicited.

Respectfully submitted,

Dated: July 24, 2006

By (40,414)
Hua Gao Reg. No.: 40,414
DICKSTEIN SHAPIRO LLP
1177 Avenue of the Americas
New York, New York 10036-2714
(212) 277-6500
Attorneys for Applicant